REMARKS

This responds to the Office Action mailed on November 25, 2005, and the references cited therewith.

Claims 1 and 2 are amended, claims 12-23 are canceled, and claims 1-11 are now pending in this application. The Applicant intends to re-file some or all of claims 12-23 in a further continuation application, and cancels them from the present application solely to expedite prosecution and allowance of the remaining claims.

§112 Rejection of the Claims

Claims 1-2 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. These claims have been amended to state that "at least two" of the vehicles are driven in formation. Thus, the EL illumination may be applied to only one vehicle, but two or more vehicles may drive in formation with respect to the EL illuminated vehicle. The claim language therefore is now believed to be clear and definite. Accordingly, withdrawal of this rejection is hereby requested.

§102 Rejection of the Claims

Claim 1 was rejected under 35 U.S.C. § 102(b) for anticipation by Rosa (U.S. 5,518,561). After careful review of Rosa, the Applicant respectfully submits that Rosa does not teach driving vehicles "in formation." "Formation" as used in the Applicant's disclosure means, for example as set forth in the Dictionary.com on-line dictionary, "1: an arrangement of people or things acting as a unit; "a defensive formation"; "a formation of planes" 2: a particular spatial arrangement ..." The referred to portions of Rosa, namely the Abstract and Col. 5, lines 32-38, include no teaching, either express or implied or inherent, that vehicles are driven in "formation", such that the vehicles "act as a unit" or in a "particular spatial arrangement." Further, claim 1 requires that the EL illumination on the "at least one vehicle" provides "guidance" for the vehicles. Rosa, on the other hand, makes no mention of driving vehicles in formation or using the EL for guidance for this purpose. It merely states that EL "enhances the observability and consequently the highway safety of the vehicle." There is no suggestion in that that EL illumination be used to provide guidance for the purpose of driving vehicles in

formation, as for example is done to plow highways or runways. Accordingly, the 102(b) rejection of claim 1 is believed to be in error, and withdrawal of the rejection is respectfully requested.

Claims 2 and 4 were rejected under 35 U.S.C. § 102(b) for anticipation by Rosa (U.S. 5,518,561). The arguments presented above with respect to claim 1 also apply to this rejection of claim 2, in that, again, Rosa contains no teaching of driving vehicles in formation or using EL illumination for this purpose. Given that claim 4 is dependent on claim 2, it follows that claim 4 is also not anticipated by Rosa.

Claims 8 and 10 were rejected under 35 U.S.C. § 102(b) for anticipation by Rosa (U.S. 5,518,561). With respect to both claims 8 and 10, the Applicant can find no teaching in Rosa concerning oversized loads. Figure 1, item 14, points to a conventionally sized semi-trailer truck that is not an "oversized load." An "oversized load" is a vehicle that is too large to be driven in a normal fashion, for example because the load is so wide it will not safely fit in the width of a lane of a highway or road, and therefore presents a potential traffic hazard or safely hazard. Further, the term "oversized load" is one well understood in the transportation industry, and the use of roads and highways to transport such loads is typically regulated. No such mention of any such "oversized loads" is made in Rosa. Accordingly, the rejection of claims 8 and 10 is hereby believed to be in error, and its withdrawal is hereby requested.

Claims 12-13 and 15-17 were rejected under 35 U.S.C. § 102(b) for anticipation by Rosa (U.S. 5,518,561). These claims have been cancelled.

§103 Rejection of the Claims

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. 5,518,561) as applied to claim 2, and further in view of Fuller (U.S. 2,983,914). Fuller does not supply the missing teaching of driving the vehicles in formation, as pointed up above with respect to Rosa, and therefore this rejection fails to establish a *prima facie* 103 rejection. Accordingly, its withdrawal is respectfully requested.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. 5,518,561) as applied to claim 2, and further in view of Chien (U.S. 5,555,016). Chien does not supply the missing teaching of driving the vehicles in formation, as pointed up above with respect to Rosa, and therefore this rejection fails to establish a *prima facie* 103 rejection. Accordingly, its withdrawal is respectfully requested.

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. 5,518,561) as applied to claim 2, and further in view of applicant's admitted prior art. Contrary to the Examiner's position, the Applicant has not admitted any prior art as alleged. More specifically, because the Applicant notes that because a Government regulation requires a particular size of a sign, it does not follow that the Applicant admits that a sign of that size is prior art, and in particular in this case there is no Government standard or regulation preceding the Applicant's invention that requires an EL illuminated sign of the size claimed by the Applicant. Further, even if the size of the sign is admitted prior art, which it isn't, it does not supply the missing teaching of driving the vehicles in formation, as pointed up above with respect to Rosa, and therefore this rejection fails to establish a *prima facie* 103 rejection. Accordingly, its withdrawal is respectfully requested.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. 5,518,561). Even with the allegedly obvious modifications, the resulting method does not teach of driving the vehicles in formation, as pointed up above with respect to Rosa, and therefore this rejection fails to establish a *prima facie* 103 rejection. Accordingly, its withdrawal is respectfully requested.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosa (U.S. 5,518,561) as applied to claim 8, and further in view of Fernandez (U.S. 5,434,013). Fernandez does not supply the missing teaching of driving the vehicles in formation, as pointed up above with respect to Rosa, and therefore this rejection fails to establish a *prima facie* 103 rejection. Accordingly, its withdrawal is respectfully requested.

Claims 14 to 23 were cancelled and therefore the rejections with respect thereto are no longer applicable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6902 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 5/25/2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25th day of May, 2006.

STEVEN LUNDBERG
Name

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Signature